

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
FCI, Inc.	)	FINDING OF VIOLATION
Chicago, Illinois	)	
	)	EPA-5-99-IL-35
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	
_____	)	

**Finding of Violation**

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Illinois and FCI, Inc. (FCI) that U.S. EPA finds that FCI, located at 1750 N. Lawndale Avenue, Chicago, Illinois is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. FCI is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Wood Furniture Manufacturing Operations, at 40 C.F.R. Part 63, as follows:

**Regulatory Authority**

1. On December 7, 1995, in accordance with Section 112 (d) of the Act, U.S. EPA promulgated the National Emission Standard for Wood Furniture Manufacturing Operations, 40 C.F.R. Part 63, Subpart JJ, §§ 63.800 - 63.808.
2. Subpart JJ applies to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant that is a major source of hazardous air pollutants (HAPs).

3. 40 C.F.R. § 63.800 (e) requires the owner or operator of an existing area source that increases its emission of (or its potential to emit) HAP such that the source becomes a major source that is subject to this subpart to comply with this subpart one year after becoming a major source.
4. 40 C.F.R. § 63.9 (b)(1)(ii) specifies that if an area source that otherwise would be subject to an emission standard or other requirement established under this part if it were a major source subsequently increases its emission of hazardous air pollutants (or its potential to emit) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements.
5. 40 C.F.R. § 63.9 (b)(2) requires the owner or operator of an affected source that has an initial start-up before the effective date of a relevant standard under this part to notify the Administrator in writing that the source is subject to the relevant standard. The notification which must be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), and must provide information regarding the nature and method of operation of the source.

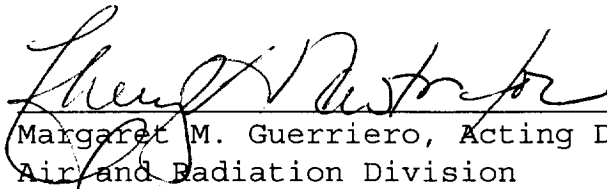
#### **Factual Background**

6. FCI owns and operates a wood furniture manufacturing facility located at 1750 N. Lawndale Avenue, Chicago, Illinois.
7. FCI became a major source for HAPs during the calendar year 1998, by having potential emissions greater than 25 tpy of HAPs.
8. FCI did not notify EPA in writing that FCI was subject to Subpart JJ and did not submit such notification 120 calendar days after becoming a major source for HAPs.

Violation

9. FCI's failure to submit to EPA a written notification that the source was subject to Subpart JJ no later than 120 days after the effective date or after the source becomes subject to the relevant standard is a violation of 40 C.F.R. § 63.9 (b)(2).

8/5/99  
Date

  
Margaret M. Guerriero, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Finding of  
Violation and Notice of Violation by Certified Mail, Return

Receipt Requested, to:


Paul Bartolomei, Vice President  
FCI, Inc.  
1750 N. Lawndale Avenue  
Chicago, Illinois 60647

I also certify that I sent copies of the Finding of  
Violation by first class mail to:

David Kolaz, Chief  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

Harish Narayan, Acting Regional Manager  
Environmental Control  
Illinois Environmental Protection Agency, Region 1  
1701 S. First Avenue  
Maywood, Illinois 60153

on the 5<sup>th</sup> day of August, 1999.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P 140779164